AN ACT Relating to the hosting of the homeless by religious organizations; amending RCW 36.01.290, 35.21.915, and 35A.21.360; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. (1) The legislature makes the following findings:

(a) Residents in temporary settings hosted by religious organizations are a particularly vulnerable population that do not have access to the same services as citizens with more stable housing.

(b) Residents in these settings, including outdoor uses such as outdoor encampments, indoor overnight shelters, temporary small houses on site, and homeless-occupied vehicle resident safe parking, can be at increased risk of exploitation, theft, unsanitary living conditions, and physical harm.

(c) Furthermore, the legislature finds and declares that hosted outdoor encampments, indoor overnight shelters, temporary small houses on-site, and homeless-occupied vehicle resident safe parking serve as pathways for individuals experiencing homelessness to receive services and achieve financial stability, health, and permanent housing.
(2) The legislature intends that local municipalities have the
discretion to protect the health and safety of both residents in
temporary settings that are hosted by religious organizations and the
surrounding community. The legislature encourages local jurisdictions
and religious organizations to work together collaboratively to
protect the health and safety of residents and the surrounding
community while allowing religious organizations to fulfill their
mission to serve the homeless. The legislature further intends to
monitor the implementation of this act and continue to refine it to
achieve these goals.

Sec. 2. RCW 36.01.290 and 2010 c 175 s 2 are each amended to
read as follows:
(1) A religious organization may host ((temporary encampments for)) the homeless on property owned or controlled by the religious
organization whether within buildings located on the property or
elsewhere on the property outside of buildings.
(2) Except as provided in subsection (7) of this section, a
county may not enact an ordinance or regulation or take any other
action that:
(a) Imposes conditions other than those necessary to protect
public health and safety and that do not substantially burden the
decisions or actions of a religious organization regarding the
location of housing or shelter, such as an outdoor encampment, indoor
overnight shelter, temporary small house on site, or vehicle resident
safe parking, for homeless persons on property owned or controlled by
the religious organization;
(b) Requires a religious organization to obtain insurance
pertaining to the liability of a municipality with respect to
homeless persons housed on property owned by a religious organization
or otherwise requires the religious organization to indemnify the
municipality against such liability; ((or))
(c) Imposes permit fees in excess of the actual costs associated
with the review and approval of ((the required)) permit applications. A county has discretion to reduce or waive permit fees for a
religious organization that is hosting the homeless;
(d) Specifically limits a religious organization’s availability
to host an outdoor encampment on its property or property controlled
by the religious organization to fewer than three months during any
calendar year. However, a county may enact an ordinance or regulation
that requires a separation of time of no more than six months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than three consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one-half mile of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the county, but a county may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that a county may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, a requirement that the religious organization comply with fire sprinkler requirements after the
religious organization has hosted an indoor shelter for at least five years beginning after the effective date of this section, and a completed fire watch agreement indicating:

(i) Posted safe means of egress;
(ii) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;
(iii) A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;
(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;
(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;
(iv) Space heaters, if provided, must be approved by the local fire authority;
(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;
(vi) Each unit must have a fire extinguisher;
(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;
(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3)(a) A county may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety.
of both the residents of the particular hosting and the residents of
the county.

(b) At a minimum, the agreement must include information
regarding: The right of a resident in an outdoor encampment, vehicle
resident safe parking, temporary small house on site, or indoor
overnight shelter to seek public health and safety assistance, the
resident's ability to access social services on site, and the
resident's ability to directly interact with the host religious
organization, including the ability to express any concerns regarding
the managing agency to the religious organization; a written code of
conduct agreed to by the managing agency, if any, host religious
organization, and all volunteers working with residents of the
outdoor encampment, temporary small house on site, indoor overnight
shelter, or vehicle resident safe parking; and when a publicly funded
managing agency exists, the ability for the host religious
organization to interact with residents of the outdoor encampment,
indoor overnight shelter, temporary small house on site, or vehicle
resident safe parking using a release of information.

(4) If required to do so by the county, any host religious
organization performing any hosting of an outdoor encampment, vehicle
resident safe parking, or indoor overnight shelter, or the host
religious organization's managing agency, must ensure that the county
or local law enforcement agency has completed sex offender checks of
all adult residents and guests. The host religious organization
retains the authority to allow such offenders to remain on the
property. A host religious organization or host religious
organization's managing agency performing any hosting of vehicle
resident safe parking must inform vehicle residents how to comply
with laws regarding the legal status of vehicles and drivers, and
provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an
outdoor encampment, vehicle resident safe parking, temporary small
house on site, or indoor overnight shelter, with a publicly funded
managing agency, must work with the county to utilize Washington's
homeless client management information system, as provided for in RCW
43.185C.180. When the religious organization does not partner with a
managing agency, the religious organization is encouraged to partner
with a local homeless services provider using the Washington homeless
client managing information system. Any managing agency receiving any
funding from local continuum of care programs must utilize the
homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section((7)):

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4))  (7)(a) Subsection (2) of this section does not affect a county policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Do not violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host
any resident or prospective resident because of age, sex, marital
status, sexual orientation, race, creed, color, national origin,
honorably discharged veteran or military status, or the presence of
any sensory, mental, or physical disability or the use of a trained
dog guide or service animal by a person with a disability, as these
terms are defined in RCW 49.60.040.

Sec. 3. RCW 35.21.915 and 2010 c 175 s 3 are each amended to
read as follows:

(1) A religious organization may host (temporal encampments
for) the homeless on property owned or controlled by the religious
organization whether within buildings located on the property or
elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a city
or town may not enact an ordinance or regulation or take any other
action that:

(a) Imposes conditions other than those necessary to protect
public health and safety and that do not substantially burden the
decisions or actions of a religious organization regarding the
location of housing or shelter, such as an outdoor encampment, indoor
overnight shelter, temporary small house on site, or vehicle resident
safe parking, for homeless persons on property owned or controlled by
the religious organization;

(b) Requires a religious organization to obtain insurance
pertaining to the liability of a municipality with respect to
homeless persons housed on property owned by a religious organization
or otherwise requires the religious organization to indemnify the
municipality against such liability; (or)

(c) Imposes permit fees in excess of the actual costs associated
with the review and approval of (the required) permit applications.
A city or town has discretion to reduce or waive permit fees for a
religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability
to host an outdoor encampment on its property or property controlled
by the religious organization to fewer than three months during any
calendar year. However, a city or town may enact an ordinance or
regulation that requires a separation of time of no more than six
months between subsequent or established outdoor encampments at a
particular site;
(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than three consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one-half mile of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

(iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the city or town, but a city or town may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that a city or town may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, a requirement that the religious organization comply with fire sprinkler requirements after the religious organization has hosted an indoor shelter for at least five
years beginning after the effective date of this section, and a
completed fire watch agreement indicating:

(i) Posted safe means of egress;

(ii) Operable smoke detectors, carbon monoxide detectors as
necessary, and fire extinguishers;

(iii) A plan for monitors who spend the night awake and are
familiar with emergency protocols, who have suitable communication
devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary
small houses on land owned or controlled by the religious
organization, except for recommendations that are in accord with the
following criteria:

(i) A renewable one-year duration agreed to by the host religious
organization and local jurisdiction via a memorandum of
understanding;

(ii) Maintaining a maximum unit square footage of one hundred
twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the
local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local
fire authority;

(v) Doors and windows must be included and be lockable, with a
recommendation that the managing agency and host religious
organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms
solely for families if present, along with handwashing and potable
running water to be available if not provided within the individual
units, including accommodating black water;

(viii) A recommendation for the host religious organization to
partner with regional homeless service providers to develop pathways
to permanent housing.

(3)(a) A city or town may enact an ordinance or regulation or
take any other action that requires a host religious organization and
a distinct managing agency using the religious organization's
property, owned or controlled by the religious organization, for
hostings to include outdoor encampments, temporary small houses on
site, indoor overnight shelters, or vehicle resident safe parking to
enter into a memorandum of understanding to protect the public health
and safety of both the residents of the particular hosting and the residents of the city or town.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking using a release of information.

(4) If required to do so by a city or town, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the city or town or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on site, or indoor overnight shelter, with a publicly funded managing agency, must work with the city or town to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care
programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section: (7)

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4)) (7)(a) Subsection (2) of this section does not affect a city or town policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Do not violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless.
that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

Sec. 4. RCW 35A.21.360 and 2010 c 175 s 4 are each amended to read as follows:

(1) A religious organization may host (temporary encampments for) the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) Except as provided in subsection (7) of this section, a code city may not enact an ordinance or regulation or take any other action that:

   (a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

   (b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; (or)

   (c) Imposes permit fees in excess of the actual costs associated with the review and approval of (the required) permit applications. A code city has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

   (d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than three months during any calendar year. However, a code city may enact an ordinance or regulation that requires a separation of time of no more than six months between subsequent or established outdoor encampments at a particular site;
(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one-half mile of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

   (i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

   (ii) Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and

   (iii) Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the code city, but a code city may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that a code city may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, a requirement that the religious organization comply with fire sprinkler requirements after the religious organization has hosted an indoor shelter for at least five
years beginning after the effective date of this section, and a
completed fire watch agreement indicating:

(i) Posted safe means of egress;
(ii) Operable smoke detectors, carbon monoxide detectors as
necessary, and fire extinguishers;
(iii) A plan for monitors who spend the night awake and are
familiar with emergency protocols, who have suitable communication
devices, and who know how to contact the local fire department; or

(i) Limits a religious organization's ability to host temporary
small houses on land owned or controlled by the religious
organization, except for recommendations that are in accord with the
following criteria:

(i) A renewable one-year duration agreed to by the host religious
organization and local jurisdiction via a memorandum of
understanding;
(ii) Maintaining a maximum unit square footage of one hundred
twenty square feet, with units set at least six feet apart;
(iii) Electricity and heat, if provided, must be inspected by the
local jurisdiction;
(iv) Space heaters, if provided, must be approved by the local
fire authority;
(v) Doors and windows must be included and be lockable, with a
recommendation that the managing agency and host religious
organization also possess keys;
(vi) Each unit must have a fire extinguisher;
(vii) Adequate restrooms must be provided, including restrooms
solely for families if present, along with handwashing and potable
running water to be available if not provided within the individual
units, including accommodating black water;
(viii) A recommendation for the host religious organization to
partner with regional homeless service providers to develop pathways
to permanent housing.

(3)(a) A code city may enact an ordinance or regulation or take
any other action that requires a host religious organization and a
distinct managing agency using the religious organization's property,
owned or controlled by the religious organization, for hostings to
include outdoor encampments, temporary small houses on site, indoor
overnight shelters, or vehicle resident safe parking to enter into a
memorandum of understanding to protect the public health and safety
of both the residents of the particular hosting and the residents of the code city.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on site, or vehicle resident safe parking using a release of information.

(4) If required to do so by a code city, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the code city or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on site, or indoor overnight shelter, with a publicly funded managing agency, must work with the code city to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the
homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section (7):

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

((4)) (7)(a) Subsection (2) of this section does not affect a code city policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to the effective date of this section;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Do not violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after the effective date of this section, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a)(ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host
any resident or prospective resident because of age, sex, marital
status, sexual orientation, race, creed, color, national origin,
honorably discharged veteran or military status, or the presence of
any sensory, mental, or physical disability or the use of a trained
dog guide or service animal by a person with a disability, as these
terms are defined in RCW 49.60.040.

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